

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Daniel J. Magenheimer

Confirmation No.:

Application No.:

Examiner:

Filing Date:

Group Art Unit:

Title: FLEXIBLE OPERATING SYSTEM OPERABLE AS EITHER NATIVE OR AS VIRTUALIZED

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is submitted:

- ☒ under 37 CFR 1.97(b), or  
(Within three months of filing national application; or date of entry of national application; or before mailing date of first office action on the merits; whichever occurs last)
- ☐ under 37 CFR 1.97(c) together with either a:  
☐ Statement under 37 CFR 1.97(e), or  
☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the CFR 1.97 (b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97 (d) together with a:  
☐ Statement under 37 CFR 1.97(e)(1) or (2), and  
☐ a \$180.00 fee set forth in 37 CFR 1.17(p).  
(Filed after final action, a notice of allowance, on or before payment of the issue fee)

Please charge to Deposit Account **08-2025** the sum of \$0.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account **08-2025** pursuant to 37 CFR 1.25.

☒ Applicant(s) submit herewith Form PTO 1449 - Information Disclosure Statement together with any required copies of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

☐ A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as presently understood by the individuals(s) designated in 37 CFR 1.56 (c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a search report or other action by a foreign patent office in a counterpart foreign application, an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on form PTO 1449 and is enclosed herewith.

It is requested that the information disclosed herein be made of record in this application.

"Express Mail" label no. **EV 255078795US**

Date of Deposit **Feb. 20, 2004**

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

By

Typed Name: John Pallivathukal

Respectfully submitted,

**Daniel J. Magenheimer**

By

**Jody C. Bishop**

Attorney/Agent for Applicant(s)  
Reg. No. **44,034**

Date: **Feb. 20, 2004**

Telephone No.: **(214) 855-8007**

FORM PTO-1449

LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S INFORMATION DISCLOSURE  
STATEMENT

(Use several sheets if necessary)

ATTY. DOCKET NO.

200315952-1

APPLICATION NO.

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APPLICANT

Daniel J. Magenheimer

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GROUP

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION DATE	NAME	Pages, Columns, Lines Where Relevant Passages or Figures Appear
	1A	5,038,281	08/06/1991	Peters	
	1B	5,222,215	06/22/1993	Chou et al.	
	1C	5,367,661	11/22/1994	Hough et al.	
	1D	6,397,242	05/28/2002	Devine et al.	
	1E	6,496,847	12/17/2002	Bugnion et al.	
	1F	2002/0082823	06/27/2002	Traut	
	1G	2002/0082824	06/27/2002	Neiger et al.	
	1H	2002/0099532	07/25/2002	Traut	
	1I	2002/0152334	10/17/2002	Holm et al.	
	1J	2002/0152344	10/17/2002	Holm et al.	
	1K	2002/0194241	12/19/2002	Griffin et al.	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	PUBLICATION DATE	NAME OF PATENTEE OR APPLICANT	Pages/Columns/Lines Where Relevant Passages/Figures Appear	Check if Translation attached
	1L					
	1M					
	1N					
	1O					
	1P					

## OTHER REFERENCES (including Author, Title, Date, Pertinent Pages, etc.)

	1Q	"VMware Workstation", [Online] - 2 pages Retrieved on January 8, 2004 Retrieved from: <a href="http://www.vmware.com/products/desktop/ws_features.html">http://www.vmware.com/products/desktop/ws_features.html</a>
	1R	"Running Guest Operating Systems", Version 4, Release 3.0, IBM - 171 pages
	1S	BARHAM, P., et al., "Xen and the Art of Virtualization", SOSP '03, Oct. 2003, - 14 pages

EXAMINER

DATE CONSIDERED

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EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION DATE	NAME	Pages, Columns, Lines Where Relevant Passages or Figures Appear
	2A	2002/0194496	12/19/2002	Griffin et al.	
	2B	2002/0156934	10/24/2002	Gregg et al.	
	2C	2003/0120856	06/26/2003	Neiger et al.	
	2D				
	2E				
	2F				
	2G				
	2H				
	2I				
	2J				
	2K				

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	2L					
	2M					
	2N					
	2O					
	2P					

## OTHER REFERENCES (including Author, Title, Date, Pertinent Pages, etc.)

	2Q	WHITAKER, A. et al., "Denali: Lightweight Virtual Machines for Distributed and Networked Applications", The University of Washington - 14 pages
	2R	WHITAKER, A. et al., "Denali: A Scalable Isolation Kernel", The University of Washington - 6 pages
	2S	WHITAKER, A. et al., "Scale and Performance in the Denali Isolation Kernel", The University of Washington - 15 pages

EXAMINER

DATE CONSIDERED

**PATENT APPLICATION**

Sheet 3 of 3

<b>FORM PTO-1449</b>  <b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  (Use several sheets if necessary)	ATTY. DOCKET NO. <b>200315952-1</b>	APPLICATION NO.	CONFIRMATION NO.
APPLICANT <b>Daniel J. Magenheimer</b>			
FILING DATE		GROUP	

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	3A				
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	3L					
	3M					
	3N					
	3O					
	3P					

**OTHER REFERENCES (including Author, Title, Date, Pertinent Pages, etc.)**

	3Q	INTEL, "Intel Itanium Architecture Software Developer's Manual", Vol. 2, System Architecture, Rev. 2.0, December 2001, Document 245318-003. Title page, publication page, table of contents and Section 11.1 Firmware Model, pages 2:253 - 2:263 provided. Complete document will be provided upon request).
	3R	
	3S	

EXAMINER	DATE CONSIDERED
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